

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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United States of America,

Case No. 19-cr-0250 (WMW/ECW)

Plaintiff,

**ORDER**

v.

Johnnie Lamar Haynes (1),

Defendant.

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This matter is before the Court on Defendant Johnnie Lamar Haynes's motion for a continuance of trial and to exclude time under the Speedy Trial Act. (Dkt. 116.) For the reasons addressed below, Haynes's motion is denied.

On August 3, 2020, the Court issued a Trial Notice and Final Pretrial Order scheduling the jury trial in this matter to begin on September 16, 2020. Defendant now requests that the Court grant a continuance of the trial pursuant to 18 U.S.C. § 3161(h)(7)(A), which permits the Court to grant a continuance and exclude time under the Speedy Trial Act upon finding that the ends of justice served by granting a continuance outweigh the best interest of the public and the defendant in a speedy trial. The sole basis for Haynes's motion is that he "does not believe it is in his best interest to go to trial during the course of a pandemic."

The Court has reviewed and carefully considered Haynes's motion. The reasoning set forth in Haynes's motion does not demonstrate that the ends of justice served by continuing the trial date outweigh the best interest of the public and defendant's right to a

speedy trial under 18 U.S.C. § 3161(h)(7)(A). As reflected in General Order No. 17, issued on June 26, 2020, by Chief Judge John R. Tunheim, the District of Minnesota has determined that criminal jury trials may resume if conducted with appropriate safeguards. *See* General Order No. 17, *In re: Updated Guidance to Court Operations Under the Exigent Circumstances Created by COVID-19* (D. Minn. June 26, 2020). To that end, the District of Minnesota has developed a protocol to resume jury trials in a manner that ensures the health and safety of all participants.<sup>1</sup> This protocol requires jury trials to be conducted with adequate safeguards, including social distancing and personal protective equipment. In light of the foregoing determinations and efforts, the ongoing nature of the COVID-19 pandemic is not, without more, a sufficient basis to warrant a trial continuance. Because Haynes's motion for a continuance does not rely on any facts or circumstances specific to himself or this case that would render a jury trial unsafe to begin on the currently scheduled date, he has not established that a trial continuance in this case is warranted.

Based on the foregoing analysis and all the files, records and proceedings herein, **IT IS HEREBY ORDERED** that Defendant Johnnie Lamar Haynes's motion to continue the trial date and exclude time under the Speedy Trial Act, (Dkt. 116), is **DENIED**.

Dated: August 13, 2020

s/Wilhelmina M. Wright  
Wilhelmina M. Wright  
United States District Judge

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<sup>1</sup> The Draft Protocol for Jury Trials in the District of Minnesota, last updated on August 7, 2020, is available on the District of Minnesota's website at <https://www.mnd.uscourts.gov/coronavirus-covid-19-guidance>.